

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

United States of America,)	
)	
Plaintiff,)	
)	ORDER GRANTING SEVERANCE
vs.)	
)	
Michael Todd Wright,)	Crim. Case Nos. 3:06-cr-14-24
Becky Starr Willison, and)	-25
Keri Ann Brandt,)	-26
)	

Defendants.

On November 27, 2007, a status conference was held in the above-encaptioned case for Defendants Wright, Willison, Brandt, G. Martinez, and R. Martinez. These five individuals were indicted in the Fourth Superseding indictment for the Arandas, et. al. drug conspiracy case following an alleged escape attempt at the North Central Correctional and Rehabilitation Center. During the conference, Mr. Wright, through his counsel, orally moved for severance. Defendants Willison and Brandt joined in the motion. Mr. Wright, Ms. Willison, and Ms. Brandt each waived his or her right to a speedy trial. The government did not oppose a severance of these three defendants.

Generally, people jointly indicted on similar evidence from the same or related events should be tried together. United States v. Lara, 891 F.2d 669, 671 (8th Cir. 1989). The Court may, however, sever one or more defendants who are jointly indicted if consolidation would prejudice a party. Fed. R. Crim. P. 14(a); United States v. Boone, 437 F.3d 829, 837 (8th Cir. 2006). Defendants Wright, Willison, and Brandt are indicted only on charges pertaining to the alleged

escape attempt. They are not implicated in the underlying drug conspiracy or homicide charges. To try them jointly with the remaining defendants would be prejudicial. The Court concludes severance is appropriate in this case.

Consistent with the Order given orally in Court, the motion to sever is **GRANTED**. The new trial date for defendants Wright, Willison, and Brandt is Tuesday, February 19, 2008, at 9:30 a.m. in Courtroom 1 in Fargo, North Dakota. The final pretrial conference will be held on Tuesday, February 19, 2008, at 9:00 a.m. in Courtroom 1 in Fargo, North Dakota. The pretrial motion deadline is January 18, 2008.

IT IS ORDERED that the period of delay commencing from the date of this Order until the date of the trial mentioned above shall be excluded from the calculation of time for purposes of the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendants in a speedy trial. See 18 U.S.C. § 3161(h)(8).

IT IS SO ORDERED.

Dated this 30th day of November, 2007.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court